

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ROBERT SCOTT HAMLIN,

Plaintiff,

v.

TRANS-DAPT OF CALIFORNIA, INC.,

Defendant.

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Civil Action No. 3:07-cv-01027

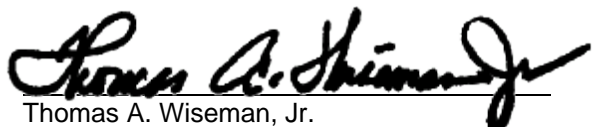
Judge Thomas A. Wiseman, Jr.

ORDER

Plaintiff Robert Scott Hamlin brings this action against defendant Trans-Dapt of California, Inc. ("Trans-Dapt") for damages and injunctive relief on the grounds of alleged copyright infringement and violation of the Tennessee Consumer Protection Act ("TCPA"). Trans-Dapt concedes that it infringed Hamlin's copyrighted work. Now before the Court is Trans-Dapt's Motion for Partial Summary Judgment (Doc. No. 24) in which the defendant seeks judgment in its favor on three specific legal issues: (1) that Hamlin is entitled to one statutory damages award based on the infringement of one copyrighted work rather than numerous statutory damages awards based on the alleged number of infringements; (2) that Trans-Dapt's infringement was "innocent"; and (3) that Hamlin has failed to state a valid claim under the TCPA.

For the reasons set forth in the accompanying Memorandum Opinion, Trans-Dapt's motion is hereby **GRANTED IN PART AND DENIED IN PART**. Specifically, the Court finds that Trans-Dapt is entitled to judgment in its favor as a matter of law as to the first and third issues presented: Hamlin is entitled to a statutory damages award based upon the infringement of one copyrighted work; and Hamlin does not raise a viable claim for violation of the TCPA. The TCPA claim is therefore **DISMISSED**. Material factual disputes, however, preclude summary judgment on the question of whether Trans-Dapt should be considered an innocent infringer. Trans-Dapt's motion for partial summary judgment as to that claim is consequently **DENIED**.

It is so **ORDERED**.


Thomas A. Wiseman, Jr.
Senior U.S. District Judge